HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1737 (S/S) 2005

Constable no. 901402280 Sita Ram
S/o Mr. Mannu Ram,
R/o village Patti Kalan, Post Ahraura,
District Mirzapur. ------ Petitioner.

Vs.

1. Central Industrial Security Force,
   Through its Deputy Commander/Administrator,
   B.H.E.L. Unit, District Haridwar,
2. Commandant, Central Industrial Security Force,
   (C.I.S.F.) Unit, B.H.E.L.,
   District Haridwar,
3. Inspector, Presenting Officer,
   Central Industrial Security Force,
   Northern Area Saket, New Delhi-17
4. Deputy Inspector General, Northern Zone,
   Saket, New Delhi-17 ----- Respondents.

Sri Sharad Sharma, learned counsel for the petitioner.
Sri V.B.S. Negi, learned Solicitor General Union of India/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sharad Sharma, learned counsel for the petitioner and Sri Vikas Pandey, learned Standing Counsel for Union of India.

By means of writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of certiorari quashing the impugned order no. 11017/CISF/BHEL/2005-5559 dated 03.10.2005 passed by respondent no.1. He has further prayed to issue a writ, order or direction in the nature of mandamus commanding the respondents not to evict the petitioner from the accommodation no.A/143 and further to command the respondents to restore the electric and water connection forthwith.

The petitioner who was working as Constable in the Central Industrial Security Force and was posted at BHEL Unit, district Haridwar was dismissed on 24.09.2005 by the Commandant Central Industrial Security Force, (CISF) Unit B.H.E.L. district Haridwar after inquiry. While in service the petitioner was provided an accommodation no. A/143 by the respondents.

Since there was a provision of statutory appeal against the order of dismissal and consequently the petitioner has preferred appeal before the Deputy Inspector General, Northern Zone, Saket, New Delhi on 3rd October 2005 which is still pending before him. In the meantime on 3rd October 2005 the Deputy Commander/Administrator B.H.E.L. Unit, Haridwar has passed an order to vacate the premises allotted to the petitioner by 24th October 2005 and further directed that the petitioner will have to pay Rs. 730/- per month as the rent of the accommodation from the date of his dismissal from services.

Learned counsel for the petitioner has further submitted that the electricity and water supply have already been disconnected from the premises allotted to the petitioner by the respondents from 23rd November 2005. Submission of the petitioner is that the children of the petitioner are studying in the school managed by B.H.E.L. itself. The respondents are also not permitting the children of the petitioner to go to school in the bus, though they are having passes, which were issued to them on 19th September 2005.

Learned counsel for the petitioner has contended that the petitioner has already filed appeal against the dismissal order and further the petitioner is ready to pay the rent @ 730/- per month of the accommodation allotted to him, therefore he may be permitted to continue in the accommodation till his appeal is decided; his children may also be permitted to board in the bus

for going to school and the electricity and water supply be restored.

In the circumstances, I think it just and proper to direct the respondent no. 4 to decide the appeal preferred by the petitioner on 3rd October 2005 within a period of two months from the date of production of a certified copy of this order. Till the appeal is decided, the petitioner shall be permitted to continue to reside in the accommodation allotted to him, provided the petitioner continue to pay that rent @ 730/- per month. The respondents are further directed to restore the electricity and water supply forthwith in the premises allotted to the petitioner and the petitioner is directed to pay the charges of electricity and water supply, if any.

Till the appeal is decided, the children of the petitioner shall be permitted to go school by the bus for which they have already obtained passes.

The petitioner is directed to produce a certified copy of this order before the respondents within a period of two weeks from today.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

November 24, 2005:
NCM: